

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA and)
STATE OF NEBRASKA,)

Plaintiffs,)

v.)

PECKHAM, INC.; MARK)
PECKHAM; CITY OF WEST POINT,)
NEBRASKA; WIMMER'S MEAT)
PRODUCTS, INC.; and WEST)
POINT DAIRY PRODUCTS, LLC,)

Defendants.)

8:08CV293

MEMORANDUM AND ORDER

After providing public notice and allowing for public comment pursuant to [28 C.F.R. § 50.7](#), plaintiffs United States of America and the State of Nebraska and defendant West Point Dairy Products, LLC, ("the Dairy") have filed a motion to enter consent decree (filing [91](#)). The proposed consent decree (filing [74](#)) resolves the claims for civil penalties made by the United States and State of Nebraska against the Dairy for violations of the Clean Water Act, as well as the Dairy's cross-claims against defendant City of West Point, Nebraska.

After careful review of the parties' consent decree (filing [74](#)), I shall grant the parties' motion. Accordingly,

IT IS ORDERED:

1. The motion to enter consent decree (filing [91](#)) filed by plaintiffs United States of America and the State of Nebraska and defendant West Point Dairy Products, LLC, is granted;

2. The Clerk of Court shall file the above-described consent decree, as signed and dated by the undersigned United States District Judge, as a separate document following the filing of this memorandum and order;

3. The Clerk of Court shall terminate defendant West Point Dairy Products, LLC, as a party to this action; and

4. The motion to dismiss the cross-claim of West Point Dairy Products, LLC, (filing [57](#)) filed by defendant City of West Point, Nebraska, is denied as moot.

DATED this 27th day of August, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge